

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DAVID F KILBURN, et al.,  
Plaintiffs,  
v.  
BANK OF AMERICA , N.A.,  
Defendant.

Case No. [3:15-cv-03270-JD](#)

**ORDER CONDITIONALLY  
DISMISSING CASE**

The Court is advised that the parties have settled. Consequently, the Court dismisses this case without prejudice. If any party certifies to the Court within forty-five days from the date of this order that the agreed consideration for the settlement of this action has not been delivered, this order will be vacated and the case will be set for a case management conference. If no certification is filed, the dismissal will be with prejudice after the passage of the forty-five days.

**IT IS SO ORDERED.**

Dated: November 17, 2015

  
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JAMES DONATO  
United States District Judge